
By: **Delegates Marriott, Proctor, Benson, Kirk, Grosfeld, Nathan-Pulliam, A. Jones, and Howard**

Introduced and read first time: February 3, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Review of Mandatory Minimum Sentences -**
3 **Retroactive Effect**

4 FOR the purpose of allowing a person who is serving a term of confinement which
5 includes a mandatory minimum sentence imposed before a certain date to apply
6 for and receive a review of the mandatory minimum sentence under certain
7 circumstances; providing for the termination of this Act; and generally relating
8 to review of criminal sentences.

9 BY repealing and reenacting, without amendments,
10 Article 27 - Crimes and Punishments
11 Section 645JC
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1999 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 27 - Crimes and Punishments**

17 645JC.

18 (a) The panel shall have the right to require the Division of Parole and
19 Probation to investigate, report, and make recommendations with regard to any such
20 application for review.

21 (b) (1) The panel shall consider each application for review and shall have
22 the power, with a hearing, to order a different sentence to be imposed or served,
23 including, by way of illustration and not by way of limitation, an increased or
24 decreased sentence, or a suspended sentence to be served in whole or in part, or a
25 sentence to be suspended with or without probation, upon such terms and conditions
26 as the panel may deem just and which could lawfully have been imposed by the
27 sentencing court at the time of the imposition of the sentence under review, or the
28 panel may decide that the sentence under review should remain unchanged.

1 (2) (i) In the manner provided in this section, and subject to item (ii) of
2 this paragraph, the panel may order a different sentence, including a decrease, in a
3 mandatory minimum sentence otherwise required by law.

4 (ii) A panel may not order a decrease in a mandatory minimum
5 sentence unless the panel's decision is unanimous.

6 (c) Without holding a hearing, the panel may decide that the sentence under
7 review should remain unchanged.

8 (d) The panel may not increase a sentence for imprisonment for life,
9 imprisonment for life without the possibility of parole, or a term of years to the
10 sentence of death.

11 (e) The decision of the panel in each review shall be rendered by a majority of
12 the members of the panel and shall be rendered within thirty days from the filing
13 date of the application for review.

14 (f) If the panel orders any different sentence, the panel shall resentence and
15 notify the convicted person in accordance with the order of the panel.

16 (g) Time served on any sentence under review shall be deemed to have been
17 served on the sentence substituted.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
19 other law to the contrary, a person who is serving a term of confinement which
20 includes a mandatory minimum sentence imposed before July 1, 1999, may apply for
21 and receive one review of the mandatory minimum sentence as provided in Article 27,
22 § 645JC of the Code, provided that the application for review is filed on or before
23 September 30, 2001.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2000. It shall remain effective for a period of 1 year and, at the end of
26 September 30, 2001, with no further action required by the General Assembly, this
27 Act shall be abrogated and of no further force and effect.